

3.10 Recreation

3.10.1 Affected Environment

Kings Beach is one of the primary commercial and recreational centers in the Lake Tahoe Basin. SR 28 extends through the Kings Beach commercial area, which is generally defined as extending from the SR 267 intersection at the western boundary to the intersection of SR 28 and Chipmunk Street at the eastern boundary. Land uses are predominantly tourist/recreational and commercial. The Kings Beach State Recreation Area (SRA) is the only recreation resource in the Kings Beach CCIP boundary area.

The Kings Beach SRA is a 25-acre publicly owned public recreation area on the northern shore of Lake Tahoe. Parcels within the Kings Beach SRA are owned by DPR, the California Tahoe Conservancy (CTC) and the California Department of Boating and Waterways (Cal Boating). Together the parcels and facilities operate seamlessly to the user and/or visitor to the Kings Beach SRA (Rogers pers. comm.). The mission of all three state entities is to provide for public access and recreation. DPR owns the main entrance, parking area, and beach area immediately south of the parking area and North Tahoe Conference Center. CTC owns the plaza area, while Cal Boating owns the beach immediately south of the CTC land, the Coon Street Boat Launch and parking area (Lacey pers. comm.). The Kings Beach SRA is shown on Figure 3.10-1.

The NTPUD operates and maintains the parking areas and plaza area under operating and maintenance agreements with DPR, CTC, and Cal Boating. The NTPUD owns and manages the North Tahoe Conference Center.

Kings Beach SRA includes 700 feet of lakefront and is the largest public access sandy beach on the north shore of Lake Tahoe. The white sand beach has a south facing aspect that gradually deepens, making it one of the warmest swimming areas on the lake. (North Tahoe Public Utility District 2006.)

Kings Beach SRA is a day-use only area. The facilities are open daily from 6 a.m. to 10 p.m. Kings Beach SRA is popular for water sports, picnicking, and other recreational activities during the late spring, summer, and early fall months. Facilities include a pier, picnic area, restrooms, and parking lot with approximately 150 parking spaces.

The large central plaza area on the eastern end serves as a gathering place for special events and community functions. Recreation facilities in the plaza are grouped near the beach, where a lakefront promenade extends westward. The plaza facilities include restrooms, barbeque and picnic sites, a playground area, and a basketball court. A summer concessionaire offers jet-ski rentals, kayak rentals, and parasail rides. The interior area is a grassy meadow with split cedar fencing that buffers the central plaza/beach area from SR 28. This grassy area has been restored, revegetated, and acts as a filter for runoff to preserve the clarity of Lake Tahoe's water (California Tahoe Conservancy 2006).

The Coon Street Boat Launch is located at the southern end of Coon Street. The facility includes a boat launch ramp, restrooms, and a parking area with approximately 30 parking spaces. Fees are charged separately for boat launching and parking. The beach on the southeastern side of the boat launch is the only beach in the NTPUD that allows dogs.

In May of 2006, NTPUD installed automated parking gate systems at the main parking area and the Coon Street parking area.

There are no fees for use of the beach or other facilities (except for a boat launch fee), fees are only charged for parking. The NTPUD uses the parking fees for the annual maintenance of the recreation areas and facilities. Capital improvements for the Kings Beach SRA are also funded in this manner.

The North Tahoe Conference Center is located on the western edge and immediately adjacent to the parking area. The conference center provides operating information regarding the Kings Beach SRA.

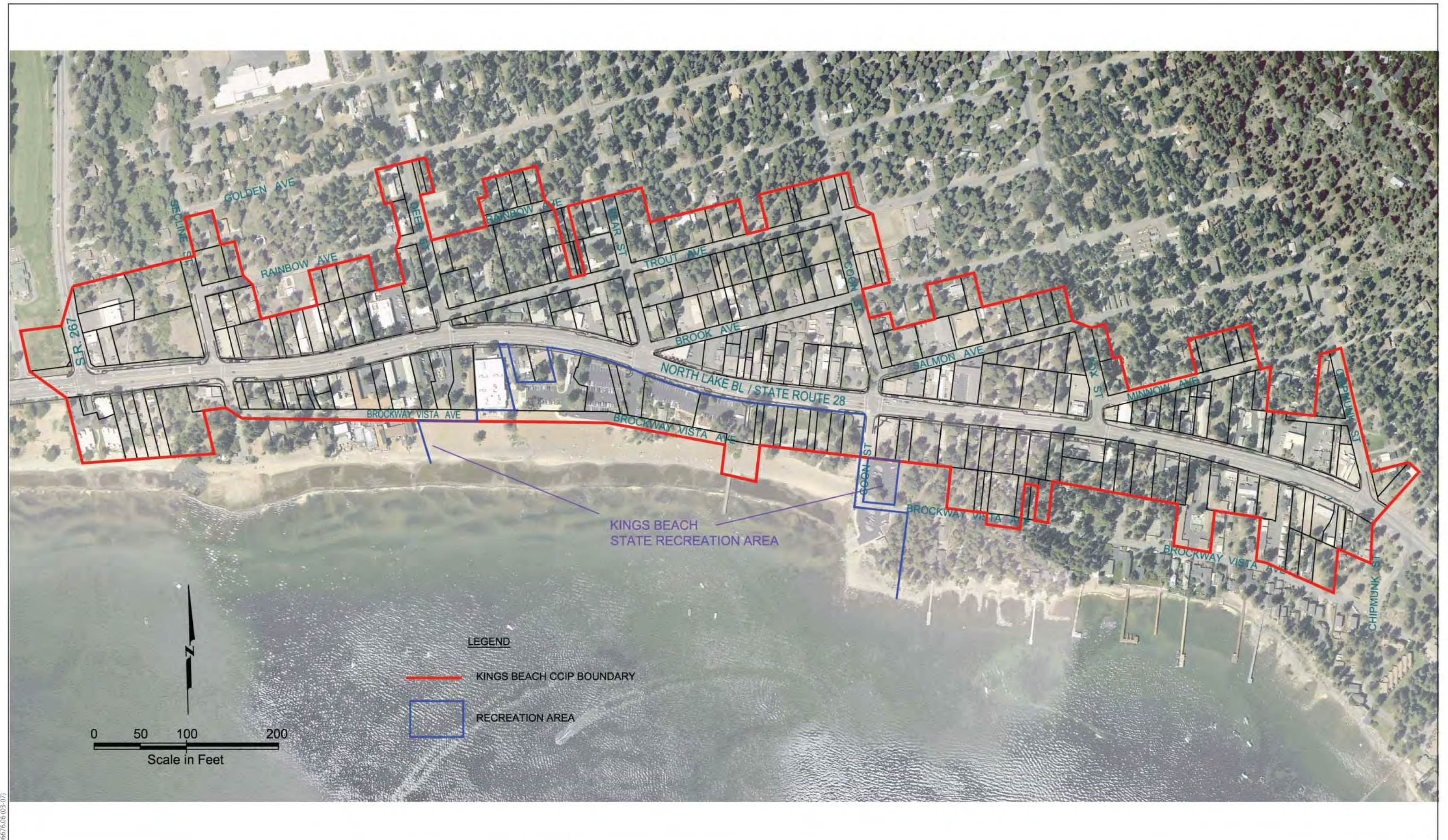


Figure 3.10-1
Kings Beach Commercial Core Improvement Project
Kings Beach State Recreation Area

The Kings Beach SRA is accessed from the main entrance to the parking lot located at the intersection of SR 28 and Bear Street and from the northeast corner of the plaza area.

Lands within the Kings Beach SRA were not purchased or improved with funds under Section 6(f) of the Land and Water Conservation Fund Act, the Federal Aid in Fish Restoration Act (Dingell-Johnson Act), the Federal Aid in Wildlife Act (Pittman-Robertson Act), or similar laws nor are the lands otherwise encumbered with any federal interest.

3.10.2 Regulatory Setting/Tahoe Regional Planning Agency Thresholds

3.10.2.1 Federal

Federal protection of recreation resources is provided under Section 4(f) of the U.S. Department of Transportation Act of 1966. Section 4(f), codified in federal law at *49 U.S.C. 303*, declares that “it is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.”

Section 4(f) specifies that

[t]he Secretary [of Transportation] may approve a transportation program or project... requiring the use of publicly owned land of a public park, recreation area, or wildlife and waterfowl refuge of national, state, or local significance, or land of an historic site of national, state, or local significance (as determined by the federal, state, or local officials having jurisdiction over the park, area, refuge or site) only if –

- (1) there is no prudent and feasible alternative to using that land; and
- (2) the program or project includes all possible planning to minimize harm to the park, recreation area, wildlife and waterfowl refuge, or historic site resulting from the use.

Section 4(f) further requires consultation with the Department of the Interior and, as appropriate, the involved offices of the Departments of Agriculture and relevant state and

local officials, in developing transportation projects and programs that use land protected by Section 4(f).

As defined in 23 *CFR* 771.135(p), the “use” of a protected Section 4(f) resource occurs when any of the following conditions are met.

- Land is permanently incorporated into a transportation facility through partial or full acquisition (i.e., “direct use”).
- There is a temporary occupancy of land that is adverse in terms of the preservationist purposes of Section 4(f) (i.e., “temporary use”).
- There is no permanent incorporation of land, but the proximity of a transportation facility results in impacts so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired (i.e., “constructive use”).

On August 10, 2005, the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) was enacted as Public Law 109-59. Section 6009 of SAFETEA-LU amended the existing Section 4(f) legislation at 23 USC Section 138 and 49 USC Section 303 to simplify the processing and approval of a program or project that will only have a *de minimis* impact on the resource (i.e., there are no adverse effects, or only very minor adverse effects from the project on the resources eligible for protection under Section 4(f)).

The FHWA has determined that the Kings Beach SRA qualifies as a recreation resource eligible for protection under Section 4(f).

On December 13, 2005, FHWA and Federal Transit Administration (FTA) issued a joint memorandum providing guidance for FHWA and FTA field offices to use in implementing Section 6009 of SAFETEA-LU.

According to the 2005 FHWA/FTA joint guidance on determining *de minimis* impacts on Section 4(f) resources, the following applies when considering a *de minimis* impact finding:

- The *de minimis* impact finding is based on the degree or level of impact including any avoidance, minimization, and mitigation or enhancement measures that are included in the project to address the Section 4(f) use. The expected positive effects of any measures included in a project to mitigate the adverse effects of a Section 4(f) resource must be taken into account when determining whether the impact to the Section 4(f) resource is *de minimis*.
- The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource (Federal Highway Administration and Federal Transit Administration 2005).

After it is determined a *de minimis* impact finding can be made, the development and analysis of alternatives that avoid use and measures to minimize harm required under a full Section 4(f) evaluation process are not required, and the Section 4(f) process is complete. The 2005 FHWA/FTA joint guidance on determining *de minimis* impacts on Section 4(f) resources can be found on FHWA's website at:
<<http://www.fhwa.dot.gov/hep/qasdeminimus.htm#ftn5>>.

3.10.2.2 State

State Quimby Act

Passed in 1975, the Quimby Act requires developers to help mitigate the impacts of property improvements. Cities and counties have been authorized since the passage of the Quimby Act (California Government Code §66477) to pass ordinances requiring that developers set aside land, donate conservation easements, or pay fees for park improvements. The act gives authority for passage of land dedication ordinances only to cities and counties. The formula for dedication of land is the following:

- minimum acreage dedication = average number of persons/unit divided by 1,000/park acreage standard.

3.10.2.3 Local

The 1987 Regional Plan for the Lake Tahoe Basin describes the needs and goals of the region and provides statements of policy to guide decision-making as it affects the region's resources and remaining capacities. The Regional Plan with all of its elements, as implemented through agency ordinances and rules and regulations, provides for the achievement and maintenance of the adopted environmental threshold carrying capacities (thresholds) while providing opportunities for orderly growth and development. The Goals and Policies contained within the Regional Plan establish TRPA thresholds applicable for areas within TRPA's jurisdiction, and include the following policies:

- **R1**—It shall be the policy of the TRPA governing body in development of the regional plan to preserve and enhance the high-quality recreational experience, including preservation of high-quality undeveloped shore zone and other natural areas. In developing the regional plan, the staff and governing body shall consider provisions for additional access, where lawful and feasible, to the shore zone and high-quality undeveloped areas for low-density recreational uses.

- **R2**—It shall be the policy of the TRPA governing body in development of the regional plan to establish and ensure that a fair share of the total basin capacity for outdoor recreation is available to the general public.

3.10.3 Environmental Consequences (Including Permanent, Temporary, Direct, Indirect)

Impacts on recreation resources were evaluated in accordance with FHWA regulations for Section 4(f) compliance codified at *23 CFR 771.135*. Additional guidance has been obtained from the *Section 4(f) Policy Paper* (FHWA 2005) and the *Guidance for Determining De Minimis Impacts to Section 4(f) Resources* (Federal Highway Administration and Federal Transit Administration 2005).

Impact REC-1: Increase the Use of Recreational Facilities That Would Cause Physical Deterioration of the Facility

Alternative 1

Under Alternative 1, it is assumed that the existing conditions would persist and that the proposed action would not be implemented. No changes would occur to the Kings Beach SRA under this alternative. This is not considered an adverse effect, and no mitigation would be required.

Alternatives 2, 3, and 4

Through joint planning efforts of Placer County, TRPA, and Caltrans, many of the action components are proposed to accommodate the various public interests, including construction of bicycle lanes and pedestrian sidewalks. Implementation of Alternatives 2–4 would improve access and safety for pedestrians and bicyclists to the Kings Beach SRA and would not result in an increase in population that would cause physical deterioration of the recreation facilities. Furthermore, no basins, drainages, or other features would adversely affect public land and recreation opportunities as a result of the proposed action. This is not considered an adverse effect, and no mitigation would be required.

Impact REC-2: Section 4(f) Use of Land (De Minimis Impact)

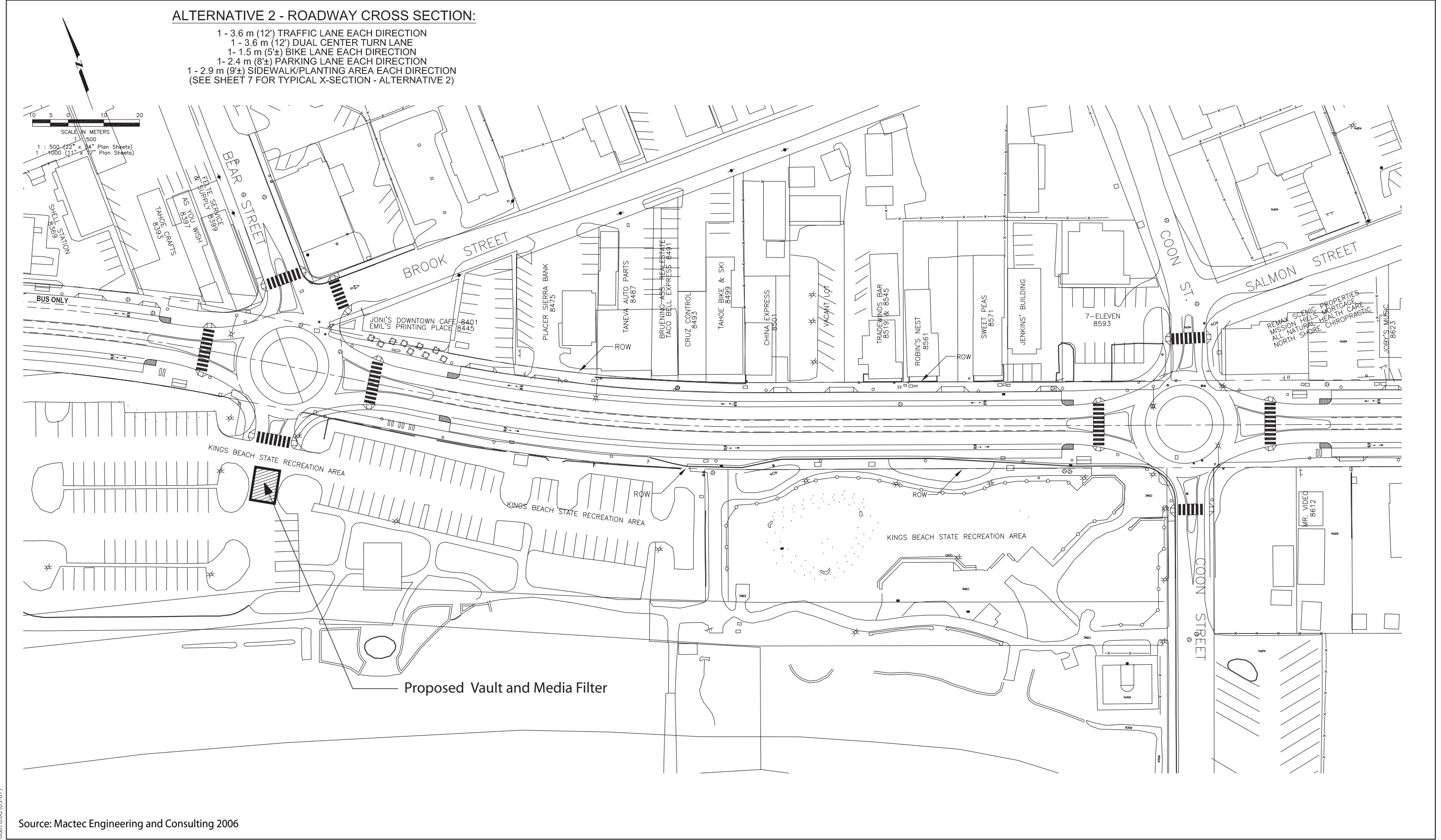
Implementation of the Alternatives 2, 3, and 4 would all require a Section 4(f) use of land from the Kings Beach SRA. Table 3.10-1 shows the amount of land required by the proposed build alternatives for the SR 28 improvements from the 25-acre recreation area.

Table 3.10-1. Section 4(f) Use of Land from Kings Beach SRA by Alternative

	Alternative			
	1	2	3	4
Kings Beach SRA	0.0 (0.0)	2483 (0.06)	1043 (0.02)	2483 (0.06)
Note: Square feet (acres).				

The land required from the Kings Beach SRA for the proposed action is located in the main entrance area of the Kings Beach SRA and on the northeast corner of the plaza area adjacent to the intersection of SR 28 and Coon Street. The use at the main entrance area is required for the improvements to the intersection at Bear Street, Brook Street, and SR 28, and on the northeast corner for improvements to the intersection at Coon Street and SR 28. In addition as part of the water quality improvements included in the proposed action, a vault and media filter would be installed beneath the parking lot west of the main entrance area. The exact dimensions of the vault and media filter will be determined during final design, however the area of construction disturbance would be minimized as much as possible.

The two portions of land required for the improvements to SR 28, and the parking area affected by the vault and media filter, are not located in the area used for recreation, as shown on Figures 3.10-2 through 3.10-4. These lands are currently used for pedestrian and vehicle access to the Kings Beach SRA and parking. The parking lot and grassy areas separate the beach and plaza areas from the main entrance and SR 28. The activities, features, and attributes that qualify the Kings Beach SRA for protection under Section 4(f) are integral to the central plaza, beach, and shoreline areas. These areas would not be adversely affected by the minor use of land immediately adjacent to SR 28



Source: Mactec Engineering and Consulting 2006

Figure 3.10-2
Kings Beach Commercial Core Improvement Project
Build Alternative 2

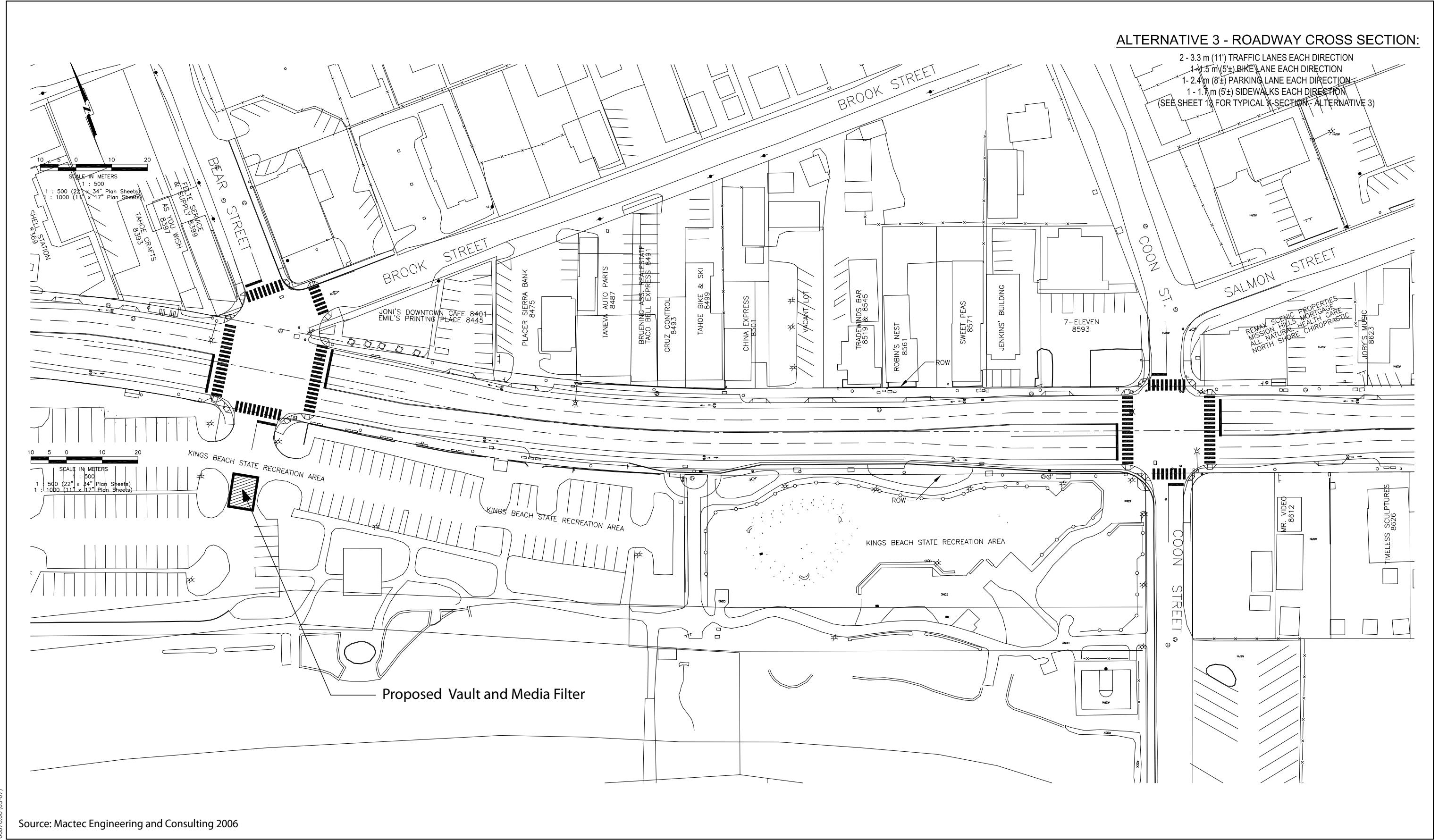


Figure 3.10-3
Kings Beach Commercial Core Improvement Project
Build Alternative 3

ALTERNATIVE 4 - ROADWAY CROSS SECTION:

- 1 - 3.6 m (12') TRAFFIC LANE EACH DIRECTION
- 1 - 3.6 m (12') DUAL CENTER TURN LANE
- 1 - 1.5 m (5') BIKE LANE EACH DIRECTION
- 1 - 5.3 m (18±) SIDEWALK/PLANTING AREA EACH DIRECTION
(SEE SHEET 20 FOR TYPICAL X-SECTION - ALTERNATIVE 4)

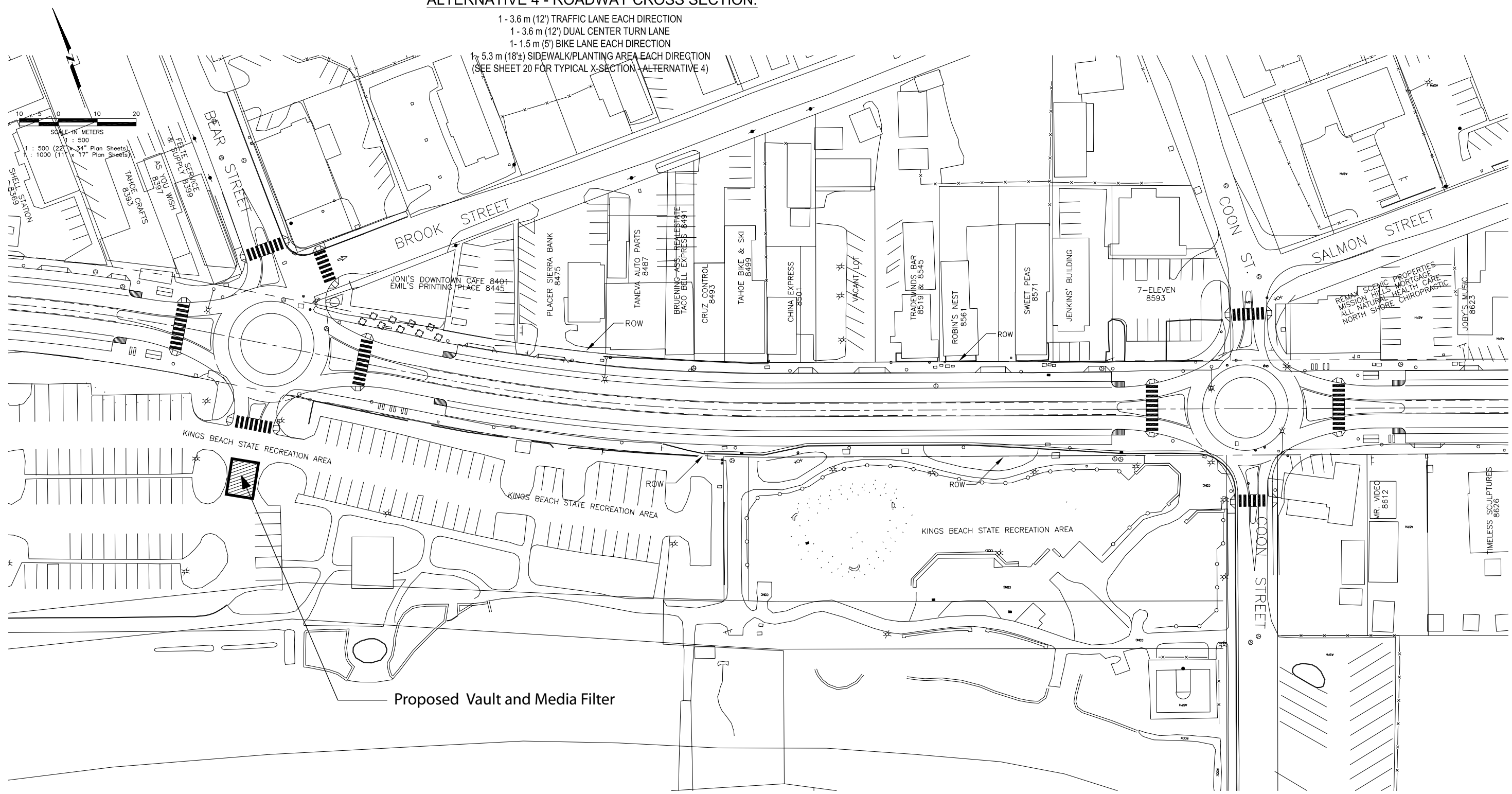


Figure 3.10-4
Kings Beach Commercial Core Improvement Project
Build Alternative 4

or the temporary construction effects as a result of installation of the water quality improvements in the parking lot..

Use of this land for the improvements to SR 28 will not impair the use of the remaining Kings Beach SRA, in whole or in part, for its intended purpose of recreation. Rather use of these areas for the proposed improvements would improve access and safety for pedestrians and bicyclists to the Kings Beach SRA in both locations. The installation of the vault and media filter would result in long-term beneficial effects (i.e., water quality and aesthetic) by collecting and treating the runoff that would otherwise flow directly through the CCIP and into Lake Tahoe without implementation of the proposed action.

The improvements would include the construction of sidewalks for pedestrian mobility, construction of bicycle lanes, and safety and curb returns to design standards for the intersections. These improvements would result in beneficial impacts on pedestrians and bicyclists both accessing the Kings Beach SRA and moving through the KBCC. Under all alternatives, the sidewalks and bike lanes would be installed. This would not only increase safety but would increase pedestrian and bicycle mobility and would enable greater numbers of people to safely walk and bike throughout the Kings Beach area. In addition, the land required from the Kings Beach SRA for the proposed action (Figures 3.10-2 through 3.10-4) would facilitate and enhance motorists entering and exiting the SRA due to the widening and reconfiguration of the Kings Beach SRA entrance at Bear Street. The reconfiguration at this intersection would result in a wider approach, which would reduce the angle motorists would have to turn into and out of the Kings Beach SRA, thereby improving their ability to access the Kings Beach SRA. The main entrance to the parking area will be reconstructed to provide a pedestrian crosswalk across the entrance and the proper geometry for the type of intersection to be constructed.

The vault and media filter would be operated and maintained by Placer County at a service level acceptable to the NTPUD and the DPR. Placer County may contract with the NTPUD to maintain the facilities.

Temporary construction effects associated with the construction of the vault and media filter would be minimized. It is anticipated that installation of the vault and media filter would occur within a 1-month period, with the actual installation and “plumbing” occurring over a 10- to 15-day period. Access to the Kings Beach SRA and the main parking area would be maintained to minimize potential impacts on visitors to the beach and plaza areas. The parking lot area disturbed as a result of installation of the water treatment facilities would be restored to the original condition (or better) and no parking spaces would be permanently affected or lost.

Consultation and coordination with the officials with jurisdiction over the Kings Beach SRA is ongoing. Coordination has occurred and written concurrence that the proposed action will not adversely affect the activities, features, or attributes that qualify the Kings Beach SRA for protection under Section 4(f) has been received. These letters are included in Appendix O.

The public will have an opportunity to review and comment on the draft environmental assessment document and the effects of the proposed action on the activities, features, and attributes that qualify the Kings Beach SRA for protection under Section 4(f).

FHWA has determined that the Kings Beach CCIP project will have a *de minimis* impact on the Kings Beach SRA. Implementation of Mitigation Measure REC-1 presented below, would help to minimize effects on the Kings Beach SRA.

3.10.4 Mitigation, Avoidance, Minimization, and Compensation Measures

Implementation of the improvements to SR 28 will have a beneficial effect by improving access and safety for bicyclists and pedestrians to the Kings Beach SRA by providing bike lanes, crossing areas, and sidewalks. Widening and reconfiguration of the main entrance will improve access to the Kings Beach SRA, and installation of the water treatment facilities will improve water quality and minimize runoff into Lake Tahoe. It is also anticipated that the improvements to SR 28 will enhance the experience of visitors as a result of the aesthetic streetscape improvements, which will include new streetlights,

benches, transit facilities, planters, bicycle racks, trash receptacles, and additional landscaping.

However, to further minimize the severity of potential effects on the Kings Beach SRA, the following mitigation measure is recommended.

Mitigation Measure REC-1: Implement Measures to Minimize Effects to Kings Beach SRA

Placer County will implement measures to minimize impacts on the Kings Beach SRA. Measures include, but are not limited to the following.

- Placer County and Caltrans will work with the agencies having jurisdiction over the Kings Beach SRA to provide advanced notice of construction activities.
- Placer County will ensure that the area of the construction footprint is kept to a minimum and that parking lot access and parking, to the extent feasible, will be maintained. In addition, Placer County will restore the construction area to its original condition (or better) and will repave and restripe the affected construction area to maintain the most efficient use of the parking area.
- The automatic pay gate at the main entrance will be maintained in place as long as feasible and relocation/reinstallation of the gate will be coordinated with the NTPUD.
- Any signage removed, will be replaced.
- Timely information will be provided relating to any potential traffic delays, and access will be maintained to the greatest extent feasible. Construction activities with high noise levels will be limited to daytime hours. Measures will be taken to reduce, minimize, and compensate for impacts on vegetation and the existing terrain and within the Kings Beach SRA. Removal and disturbance of vegetation will be limited as feasible. Facilities will be designed to blend in with the existing terrain. Disturbed areas will be

revegetated upon completion of construction. During construction, measures may include watering of disturbed areas and prompt covering and removal of dirt. Dust generation will be minimized by inclusion in the construction contract specification to reduce this irritant.

3.10.5 Section 4(f) *De Minimis* Impact Finding

In consideration of the above, FHWA has determined that implementation of the Kings Beach CCIP will have a *de minimis* impact on the Kings Beach SRA; therefore, further development and analyses of avoidance alternatives and alternatives to minimize harm are not required and the requirements of Section 4(f) of the Department of Transportation Act of 1966, 23 USC Section 138 (as amended) and 49 USC Section 303 (as amended) are considered satisfied.

3.10.6 Compliance with Tahoe Regional Planning Agency Code

The proposed action would not affect the shore zone associated with Kings Beach SRA, and would improve public access. In addition, no TRPA BMPs apply to recreation. The proposed action would enhance the recreation facility by including a bicycle lane and sidewalks, which would improve safety and access for bicyclists and pedestrians to Kings Beach SRA. The proposed action would not reduce recreation capacity and opportunities in the Lake Tahoe Basin. Therefore, the proposed action is consistent with the recreation thresholds R1 and R2, as previously mentioned.